

***IN THE SUPREME COURT, STATE OF WYOMING***

*April Term, A.D. 2014*

*In the Matter of the Adoption of* )  
*Temporary Rules for Expedited* )  
*Marriage Dissolution Cases* )

# ORDER ADOPTING TEMPORARY RULES FOR EXPEDITED MARRIAGE DISSOLUTION CASES

**The Board of Judicial Policy and Administration and the Rule 1 Study Committee** have recommended that the Court adopt the attached Temporary Rules for Expedited Marriage Dissolution Cases. The Court, having carefully reviewed the proposed rules, finds that the rules should be adopted and that the Committee should be commended for its efforts. It is, therefore,

**ORDERED** that the attached Temporary Rules for Expedited Marriage Dissolution Cases be, and hereby are, adopted by the Court to be effective July 1, 2014; and it is further

**ORDERED** that this order and the attached rules be published in the advance sheets of the Pacific Reporter; this order and the attached rules be published in the Wyoming Court Rules Volume; and this order and the attached rules be published online at this Court's website, <http://www.courts.state.wy.us>. The rules shall thereafter be spread at length upon the journal of this Court.

**DATED** this 27<sup>th</sup> day of June, 2014.

**BY THE COURT:**

**/s/**

**MARILYN S. KITE**  
Chief Justice

## **Temporary Rules for Expedited Marriage Dissolution Cases**

### **Rule 1. Purpose and Scope.**

Family members stand in a special relationship to one another and to the court system. It is the purpose of these rules to provide a uniform procedure for resolution of all issues in marriage dissolution cases that reduces the negative impact of adversarial litigation wherever possible. To that end, these rules contemplate management of the case by the court, with the disclosure requirements, discovery, and hearings tailored to the needs of the case. The purpose of these rules is to provide maximum access to the Wyoming district courts in marriage dissolution actions; to enhance the provision of a just, speedy, and inexpensive determination of marriage dissolution cases; to provide expedited trial dates; and to focus discovery towards resolution of the issues. These simplified rules should be construed and administered to secure the advantages of a simplified procedure as provided herein. Extensions, continuances, and stays are strongly disfavored.

### **Rule 2. Applicability.**

(a) These temporary rules are applicable only to those District Courts that are participating in the Expedited Marriage Dissolution Pilot Program.

(b) Unless the Court orders a more expedited proceeding than contemplated herein, then these Rules shall apply to marriage dissolution actions commenced under Wyo. Stat. Ann. § 20-2-104, which also meet the following parameters:

- (1) Paternity of any minor children at issue is uncontested; and
- (2) Both parties consent to proceed under and be bound by these rules.

(c) The Wyoming Rules of Civil Procedure will continue to govern the procedure in marriage dissolution cases except to the extent that there is an inconsistency, in which case these rules will take precedence.

### **Rule 3. Opt-in Procedures.**

If both parties consent to participate in the Expedited Marriage Dissolution Case process, they shall notify the Court of their consent as follows:

(a) The parties shall file with the Court a Stipulated Consent for Expedited Marriage Dissolution Case Designation (see Appendix A), within thirty (30) days after the Defendant has been served and/or within thirty (30) days after the Defendant has filed an acceptance of service, acknowledgement, or waiver of service; or

(b) The parties shall verbally express their consent at a Scheduling Conference with the Court where the parties and counsel, if any, appear in person or telephonically and the Court shall make a notation of the consent in the scheduling order.

(c) When the parties consent to participate in the Expedited Marriage Dissolution case process, they also consent to be governed by these Wyoming Rules of Civil Procedure for Expedited Marriage Dissolution actions in their entirety.

(d) At any time, the Court has the discretion to remove a case from the Expedited Marriage Dissolution Case process if the Court concludes that the case is no longer appropriate for the Expedited Marriage Dissolution process.

**Rule 4. Scheduling Conference.**

(a) If not already scheduled, no later than thirty (30) days after the filing of the Stipulated Consent for Expedited Marriage Dissolution Case Designation, the Court shall hold a scheduling conference. Each party and party's counsel, if any, shall attend the conference.

(b) As soon as possible after the initial scheduling conference, the Court shall issue a Scheduling Order. The Scheduling Order shall advise the parties and counsel of the "standard" custody and visitation schedule commonly utilized by the Court.

(c) Modifications to the terms of the initial Scheduling Order may be made only upon a showing of good cause.

**Rule 5. Disclosures.**

(a) Unless otherwise ordered by the Court, no later than thirty (30) days after filing the Stipulated Consent for Expedited Marriage Dissolution Case Designation, each party shall file with the Court a pleading listing all persons with information related to the issues of the case at bar, and the nature of the information each such individual is believed to possess.

(b) Parties also shall make disclosures in accordance with Wyoming Rules of Civil Procedure, Rule 26(a)(1.1). Each party has an ongoing duty to supplement the initial disclosures promptly upon becoming aware of the supplemental information.

**Rule 6. Expedited Trial Setting.**

(a) Cases subject to these rules will receive an expedited trial date. Trials shall begin within one hundred twenty (120) days after the Scheduling Conference, absent unavoidable and extraordinary circumstances. The parties may not stipulate to extensions.

(b) The maximum trial length is four (4) hours. Unless otherwise ordered by the Court, the four hours of trial time shall be divided equally between the parties.

(c) No trial continuances shall be granted, absent a showing of good cause and undue hardship, at which point the decision to grant a continuance lies within the discretion of the Court.

**Rule 7. Discovery and Experts.**

(a) The parties shall be subject to the following discovery limitations:

- (1) Each side may propound up to 20 requests for production, 20 interrogatories, and 20 requests for admission;
- (2) No depositions shall be taken;
- (3) Experts, as defined by Wyoming Rules of Civil Procedure, Rule 26(a)(2)(B), shall not be permitted;
- (4) Guardians *ad Litem* shall not be allowed unless stipulated by the parties and allowed by the Court.
- (5) Mediation and/or Alternative Dispute Resolution shall not be required by the Court but is optional, at the discretion of the parties and the Court, as long as it does not

interfere with the other deadlines or requirements of the Expedited Marriage Dissolution Process.

(b) The Court may set additional limits or provide for further discovery upon a showing of good cause.

(c) For any failure to provide, or for unnecessary delay in providing, required disclosures or discovery, unless justified under the circumstances, the Court may order the following:

- (1) A denial of the right to use, for any purpose, the information not disclosed;
- (2) A denial of the right to object to the admissibility of the evidence;
- (3) Assessment of attorney fees and costs; and
- (4) Any other sanction the Court deems appropriate, including those set forth in Rule 901 of the Uniform Rules for District Courts of the State of Wyoming.

#### **Rule 8. Pretrial Memoranda.**

(a) Not less than ten (10) days prior to trial, the parties shall submit a Joint Pretrial Memorandum, which includes the following:

- (1) One (1) set of stipulated exhibits;
- (2) One (1) stipulated list of witnesses;
- (3) One (1) comprehensive list of all relevant assets and liabilities to be distributed in the marriage dissolution, which shall be numbered and easily identifiable;
- (4) An explanation regarding claims for alimony, including the requesting party's need for the receipt of alimony and the paying party's ability to pay the requested alimony;
- (5) A summary of trial issues; and
- (6) If there are minor children at issue,
  - (i) A verification that each parent has completed the court-ordered Parenting Class, if applicable;
  - (ii) Each party's Confidential Financial Affidavit;
  - (iii) Proposed child support calculations as required pursuant to the child support guidelines and any explanation as to why there should be a deviation from those guidelines, if any; and
  - (iv) The parties' proposed award of custody and visitation, including explanations for any deviation from the "standard" custody and visitation arrangements contained in the Scheduling Order.

(b) If they desire, the parties may supplement, individually or jointly, the joint pretrial memorandum with their respective requests and positions regarding:

- (1) The division of assets and allocation of liabilities;
- (2) The award of custody and visitation; and
- (3) Any other information the party asserts is relevant to a determination of the issues in the case.

(c) If the parties are unable to stipulate to any of the items listed above, the information and objections thereto shall be submitted jointly or separately but as otherwise required by this rule.

(d) The Court may hold a pretrial conference to resolve any issues presented in the pretrial memorandum.

**Rule 9. Assignment to Circuit Court Judge or Special Master.**

(a) At any time, the Court may assign any Expedited Marriage Dissolution case to a Circuit Court Judge pursuant to Wyo. Stat. Ann. § 5-3-112 or to a Special Master pursuant to Wyoming Rules of Civil Procedure, Rule 53.

(b) By consenting to participate in the Expedited Marriage Dissolution Trial, the parties have consented to the assignment of a Circuit Court Judge pursuant to Wyo. Stat. Ann. § 5-3-112 or to a Special Master pursuant to Wyoming Rules of Civil Procedure, Rule 53.

(c) Where a Circuit Court Judge or Special Master is presiding over the proceedings, the Expedited Marriage Dissolution Trials may be recorded either digitally or by court reporter, upon proper request by the parties.

**Rule 10. Expedited Marriage Dissolution Trial Process for Pro Se Litigants.**

If both parties appear pro se at trial, the Expedited Marriage Dissolution Trial may be conducted, at the sole discretion of the Court as follows:

(a) At the beginning of an Expedited Marriage Dissolution Trial, the pro se parties will be asked to affirm that:

- (1) they understand the rules and procedures of the Expedited Marriage Dissolution Trial process; and,
- (2) they are consenting to this process freely and voluntarily and that they have not been threatened or promised anything for agreeing to the Expedited Marriage Dissolution Trial process.

(b) The Court may ask the parties for a brief summary of the issues to be decided.

(c) The moving party will be allowed to speak to the Court under oath concerning all issues in dispute. The party may be questioned by the Court to develop evidence required by any statute or rule, for example, the applicable requirements of the Wyoming Child Support Guidelines if child support is at issue.

(d) The Court will ask the moving party whether there are any other areas the party wishes the Court to inquire about. The Court may inquire into these areas if deemed appropriate by the Court.

(e) The process in subsections (c) and (d) is then repeated for the other party.

(f) The Court has no independent duty to address issues not raised independently by the parties, and the parties will be deemed to have waived any issues not presented to the Court at the time of trial.

(g) The parties may offer any documents or witnesses they wish for the Court to consider. The Court will determine what weight, if any, to give each document.

(h) The parties will then be offered the opportunity to respond briefly to the comments of the other party.

(i) Wyoming Rules of Evidence shall not apply strictly in trials of cases conducted under Rule 10. The Court has discretion to consider any relevant evidence and give it the weight to which it is entitled. The Court also has discretion to exclude irrelevant, immaterial or unduly repetitious evidence.

(j) The parties will be offered the opportunity to make a brief legal argument.

(k) A written order or decision will be rendered on the merits of the matter within thirty (30) days after the trial, which shall be considered a final, appealable order.

**Comment** – The Wyoming Code of Judicial Conduct, Canon 2, Rule 2.2, Comment 4, states “*It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.*”

**Rule 11. Appeals.**

Appeals of Expedited Marriage Dissolution cases to the Wyoming Supreme Court shall be processed pursuant to the Wyoming Rules of Appellate Procedure (W.R.A.P.).

**Rule 12. Title.**

These rules shall be known as the Wyoming Rules of Civil Procedure for Expedited Marriage Dissolution actions. W.R.C.P. E.M.D.

**Appendix A**

**IN THE DISTRICT COURT  
FOR THE \_\_\_\_\_ JUDICIAL DISTRICT  
STATE OF WYOMING, COUNTY OF \_\_\_\_\_**

_____	)	
	)	
Plaintiff,	)	
	)	
-vs.-	)	Civil Action No. _____
	)	
_____	)	
	)	
Defendant.	)	

**STIPULATED CONSENT FOR  
EXPEDITED MARRIAGE DISSOLUTION CASE DESIGNATION**

THE PARTIES hereby voluntarily request that this Court sign an Order designating this case as an Expedited Marriage Dissolution Case (EMDC), as follows:

1. Each party acknowledges that he/she has read the Wyoming Rules of Civil Procedure for Expedited Marriage Dissolution Cases and agrees to comply with those rules, as to the scope, nature, and timing of discovery, evidence, procedure, and disposition of this case.
2. Each party agrees to comply with this Court's *Scheduling Order*, upon its filing, insofar as the limitations and deadlines for discovery, motions, pretrial matters, trial, and disposition of this case.
3. Each party understands that the District Judge may choose to remove this case from Expedited Marriage Dissolution Case designation at any time, if the District Judge concludes that the issues presented in this case are no longer appropriate for EMDC designation.
4. Each party consents to the assignment of their Expedited Marriage Dissolution Case to a Circuit Court Judge pursuant to Wyo. Stat. Ann. § 5-3-112 or to a Special Master pursuant to Wyoming Rules of Civil Procedure, Rule 53, upon the discretion of the District Judge.
5. The parties understand and agree that Expedited Marriage Dissolution Designation is appropriate when paternity over any minor children, if any, is not contested. By filing this *Stipulated Consent for Expedited Marriage Dissolution Case Designation*, the parties agree that they are the natural parents of the minor children, if any, at issue in the dissolution of this marriage. Each party also agrees to submit *Confidential Financial Affidavits* to this Court and to complete the required Parenting Class by the deadlines imposed by this Court.

6. To expedite the trial, the parties further stipulate and agree as follows (describe stipulations):

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DATED this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

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Plaintiff

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Attorney for Plaintiff

---

Defendant

---

Attorney for Defendant

Copies to:



**IN THE DISTRICT COURT  
FOR THE \_\_\_\_\_ JUDICIAL DISTRICT  
STATE OF WYOMING, COUNTY OF \_\_\_\_\_**

	)	
	)	
Plaintiff,	)	
	)	
-VS.-	)	Civil Action No. _____
	)	
	)	
	)	
Defendant.	)	

**ORDER GRANTING  
EXPEDITED MARRIAGE DISSOLUTION CASE DESIGNATION**

THIS MATTER came before the Court on the parties' *Stipulated Consent for Expedited Marriage Dissolution Case Designation*.

Being fully advised in the premises, this Court FINDS and CONCLUDES that Expedited Marriage Dissolution Case Designation is appropriate herein and that good cause exists for such designation in that case. Accordingly this case shall be designated as an Expedited Marriage Dissolution Case and shall proceed pursuant to the Wyoming Rules of Civil Procedure for Expedited Marriage Dissolution Cases.

The Court hereby schedules its Scheduling Conference for this Expedited Marriage Dissolution Case on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ AM/PM at \_\_\_\_\_ (location). This Scheduling Conference is scheduled for one (1) hour. The parties and/or their attorneys are required to attend this Scheduling Conference in person.

The parties are further ordered to comply with the Wyoming Rules of Civil Procedure for Expedited Marriage Dissolution Cases.

**SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
District Judge

Copies to: